



General Assembly

## Substitute Bill No. 1040

January Session, 2013



### **AN ACT CONCERNING COUNTERFEIT AND NONFUNCTIONAL AIRBAGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-106d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) As used in this section:

4 (1) "Air bag" means a motor vehicle inflatable occupant restraint  
5 system, including all component parts, such as the cover, sensors,  
6 controllers, inflators and wiring, that (A) operates in the event of a  
7 crash, and (B) is designed in accordance with federal motor vehicle  
8 safety standards for the specific make, model and year of the motor  
9 vehicle in which it is or will be installed.

10 (2) "Counterfeit air bag" means a motor vehicle inflatable occupant  
11 restraint system, including all component parts, such as the cover,  
12 sensors, controllers, inflators and wiring, displaying a mark identical  
13 or similar to the genuine mark of a motor vehicle manufacturer  
14 without authorization from such manufacturer.

15 (3) "Nonfunctional airbag" means a replacement motor vehicle  
16 inflatable occupant restraint system, including all component parts,  
17 such as the cover, sensors, controllers, inflators and wiring, that (A)

18 was previously deployed or damaged, (B) has an electric fault that is  
19 detected by the vehicle airbag diagnostic system after the installation  
20 procedure is completed, or (C) includes any part or object, including,  
21 but not limited to, a counterfeit or repaired airbag cover, installed in a  
22 motor vehicle to mislead the owner or operator of such motor vehicle  
23 into believing that a functional airbag has been installed.

24 [(a)] (b) No person shall manufacture, import, install, reinstall, sell  
25 or offer for sale any device with the intent that such device replace an  
26 air bag in any motor vehicle if such person knows or reasonably  
27 should know that such device is a counterfeit air bag, a nonfunctional  
28 air bag or does not meet federal safety requirements as provided in 49  
29 CFR 571.208.

30 (c) No person shall sell or install or reinstall in any vehicle any  
31 device that causes such vehicle's diagnostic system to inaccurately  
32 indicate that such vehicle is equipped with a functional air bag when a  
33 counterfeit air bag, a nonfunctional air bag or no air bag is installed.

34 [(b)] (d) A violation of subsection [(a)] (b) or (c) of this section shall  
35 be deemed an unfair or deceptive trade practice under subsection (a)  
36 of section 42-110b. Each manufacture, importation, installation,  
37 reinstallation, sale or offer for sale shall constitute a separate and  
38 distinct violation.

39 [(c)] (e) Any person who violates subsection [(a)] (b) or (c) of this  
40 section shall be guilty of a class [A misdemeanor] D felony.

41 Sec. 2. Subdivision (16) of section 53a-119 of the general statutes is  
42 repealed and the following is substituted in lieu thereof (*Effective*  
43 *October 1, 2013*):

44 (16) Air bag fraud. A person is guilty of air bag fraud when such  
45 person, with intent to defraud another person, obtains property from  
46 such other person or a third person by knowingly selling, installing or  
47 reinstalling any object, including any counterfeit air bag or  
48 nonfunctional air bag, as such terms are defined in section 14-106d, as

49 amended by this act, in lieu of an air bag that was designed in  
50 accordance with federal safety requirements as provided in 49 CFR  
51 571.208, as amended, and which is proper for the make, model and  
52 year of the vehicle, as part of the vehicle inflatable restraint system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	14-106d
Sec. 2	October 1, 2013	53a-119(16)

**TRA**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*